

# Exhibit V

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, et al.,

Plaintiffs,

v.

GREGORY W. ABBOTT, et al.,

Defendants.

Civ. Act. No. 5:21-cv-844 (XR)  
(consolidated cases)

**DECLARATION OF JODI LYDIA NUNEZ LANDRY**

My name is Jodi Lydia Nunez Landry. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I am a 53-year-old woman who currently lives in Harris County, Texas. I registered to vote for the first time in Ohio after I turned 18 and sometime before the 1992 presidential election, which was the first election I voted in.
2. In 1992, I was a registered voter in the Akron, Ohio metro area where I lived. Shortly thereafter, I moved to Wooster, in Wayne County, Ohio, and updated my voter registration. I lived there until 1996.
3. In 1996, I moved out of Ohio to live in Harris County, Texas. Since my move to Texas, I have registered to vote in Texas, and in Harris County. I have been continually registered to vote in Harris County, Texas since 1996.
4. Voting is important to me. I have voted in every presidential election since 1992 and most other local and state elections since then. I try to encourage others with disabilities to get

out and exercise their right to vote by posting pictures of myself after I have voted on social media.

5. I am a member of REV UP Texas and The Arc of Texas and am involved in The Arc of Texas' Partners in Disability Leadership.
6. I am also an active participant in the Texas Disability Issues Forum to encourage voter turnout amongst people with disabilities.
7. I have Muscular Dystrophy. This is a disability that substantially limits several major life activities. My Muscular Dystrophy substantially limits my mobility (including walking, standing, lifting, and bending), ability to complete my activities of daily living (ADLs) necessary to care for myself, and my breathing while I sleep. I am on a BIPAP breathing machine during the night while I sleep. I can only stand with assistance briefly, to transfer from one chair to another for example. I can only lift my arms on my own for a short period of time as well. I cannot drive. My condition also causes me to often feel lethargic.
8. Because of my Muscular Dystrophy, I require assistance for any gross motor skills that require strength. For example, I cannot grasp a jar of pickles and unscrew the top of the jar. However, I can perform some fine motor skills like sewing, crocheting and pressing the buttons on my remote control for my TV. Because of my Muscular Dystrophy, I do need assistance from caregivers the majority of the time to perform essentially all activities of daily living including cooking, dressing, and bathing.
9. During the COVID-19 pandemic, I followed recommendations from the CDC and organizations for people with neuromuscular conditions and I did not leave the house at all for over a year because I am at "high risk" for severe reactions to the virus.

10. The only time I voted by mail was during the November 2020 Presidential Election due to the Covid-19 pandemic. I have always voted in person and prefer to do so. The new ID requirements imposed by SB 1 and all the news about how many more absentee ballots have been rejected since SB 1 was enacted have made me lose trust in the vote-by-mail system. I am afraid and nervous to vote by mail. I don't have faith that my vote will be counted. I am too concerned that my ballot will be rejected for one reason or another.
11. When I vote in person, I need someone to drive me to the polling station. I use a power wheelchair, and when I am in the voting booth it can be arduous to use the touch screen or feed paper into the machine, for those that require paper. Even accessible machines with remotes can be difficult for me to use. It is also difficult to predict when I will experience muscle fatigue that would prevent me from using a touch screen or a remote. As a result, I have frequently needed assistance to use the touch screen or feed paper into the machine.
12. I voted in person during the March 2022 primary elections. My partner drove my accessible van to our polling location, the Bay Area Community Center at Clear Lake Park. I used my power wheelchair to get to the entrance. My partner also went as he was going to vote as well. I am able to provide the poll worker with my ID and sign as needed. The poll worker assumed I needed the accessible voting machine so they directed me to it. I asked the friendly poll worker to assist me by inserting the paper with my voting number into the voting machine. The poll worker told me to let her know if I needed any additional assistance. I didn't ask for further help because I would have preferred someone I trust to assist me, like my partner. I did not see the accessible remote feature attached to the machine, so I had to lift my arms to vote on the actual machine. This also required that I lean out of my chair to press the touchscreen with some force to make my selections. While

voting, my arms grew tired and weak as I tabbed through the many screens that encompassed the long ballot. I had to take several breaks. Ultimately, I had to hold up my right arm with my left arm to give me extra support so that I could finish voting. I finished the ballot and I put my ballot in the ballot box myself. The process took me longer and was more difficult than it would have been had I received assistance.

13. In November 2022 I also voted in person. This time, I was able to use the accessible remote attached to the machine. I used the remote instead of the touch screen, but each time I thought I made a selection with the remote, it would jump back to the beginning screen. I called a poll worker for assistance. I didn't want to do so because I like to vote in private, but I was afraid my selections wouldn't be counted. The poll worker, however, had never been trained to use the remote and was also having trouble with the machine. The poll worker had to call over two other poll workers to address the situation which took a significant amount of time (?). Eventually, I was able to make all the proper selections and print out my ballot successfully, but I had two poll workers watching me vote and the process took far longer than it should have had which made the overall process more difficult. I appreciate poll workers and the work they do, but I prefer to vote in private or with someone who I chose to assist me, like my partner. If it weren't for SB 1, I would have asked my partner to help me because he helps me with most other activities, like dressing, driving, and going to the grocery store. It would have made this process easier, less stressful, and more private. However, because of SB 1's new requirements, including the requirement for assistants to sign an oath and provide personal information, I am nervous about asking my partner to assist me because he may be targeted with criminal liability simply for assisting me. Even if the assistance he is providing is lawful under SB 1, the law

is very confusing and I would never want to risk exposing anyone to criminal liability, which prevents me from getting the assistance I need from the person of my choice.

14. During both elections in 2022, I was not given any information about my rights under the Americans with Disabilities Act. There was no sign that gave me information about my option to request an accommodation. There was no sign that gave me information about who I could contact to get an accommodation.


15. Because my disability is degenerative, it is unlikely that I will be able to sign in at the polling location and complete my own ballot for much longer. It will be more difficult to insert paper into a voting machine or do anything that requires writing, such as completing a mail-in ballot, as sometimes my handwriting is illegible. I will likely need the assistance of a personal care attendant in the near future. If an attendant is unwilling to assist me with voting, I will be prevented from voting. Many personal care attendants are low wage workers of color and they may be afraid to assist me for fear of being accused of doing something illegal. I wouldn't want to put them at risk or risk losing them as a personal care attendant. I also want to be able to choose who I want to assist me, as assistance is most effective from someone who is familiar with and understands my needs I don't want to have to use a poll worker to help me vote because it is important to me to vote with privacy. I want to be able to choose someone who I can trust, but I am very concerned that they will be afraid to help me. My partner has assisted me in the past, but he will not always be available to assist me in the future, so I need to have the freedom to choose who will assist me.

16. I want to be able to vote like everyone else. I would prefer for my partner to assist me, but the process for securing assistance at the polling location makes me nervous which means

that I was not able to vote with the assistor of my choice in the November election. There are now many questions asked and a lot of information needed from an assistor. I don't want to draw more attention to myself when I am voting or raise any suspicions, especially because I already feel threatened when I vote in my area. It's also difficult for me to understand what is and isn't allowed because there is a lot of misinformation and a lack of clarity around this new law. At no point did I receive any information from the County or State regarding my rights as a voter with a disability or how to request a reasonable modification or file a grievance during the voting process.

17. As a person with a disability, I already face significant barriers to vote and SB 1 has added additional barriers to my right to vote. I am very disappointed that the Texas legislature is making it even harder for people with disabilities like me to vote instead of making it more accessible for us.

This Declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct. Executed on June 22, 2023 | 3:54 PM PDT, at Harris County, Texas.

DocuSigned by:  
  
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Jodi Lydia Nunez Landry